

1 MELANIE MORGAN, ESQ.
 Nevada Bar No. 8215
 2 REX D. GARNER, ESQ.
 Nevada Bar No. 9401
 3 **AKERMAN LLP**
 1635 Village Center Circle, Suite 200
 4 Las Vegas, Nevada 89134
 Telephone: (702) 634-5000
 5 Facsimile: (702) 380-8572
 Email: melanie.morgan@akerman.com
 6 Email: rex.garner@akerman.com

7 Attorneys for the U.S. Bank, National Association,
 as Trustee for the Certificateholders of Banc of
 8 America Funding 2008-FT1 Trust

9
 10 **UNITED STATES DISTRICT COURT**
 11 **DISTRICT OF NEVADA**

AKERMAN LLP

1635 VILLAGE CENTER CIRCLE, SUITE 200
 LAS VEGAS, NEVADA 89134
 TEL.: (702) 634-5000 - FAX: (702) 380-8572

13 U.S. BANK, N.A. AS TRUSTEE FOR THE
 CERTIFICATEHOLDERS OF BANC OF
 14 AMERICA FUNDING 2008-FT1 TRUST,
 MORTGAGE PASS-THROUGH
 15 CERTIFICATES, SERIES 2008-FT1

Case No.: 2:17-cv-00355-MMD-BNW

**PLAINTIFF'S [PROPOSED] ORDER ON
 MOTIONS FOR SUMMARY JUDGMENT**

16 Plaintiff,

17 v.

18 LV REAL ESTATE STRATEGIC
 INVESTMENT GROUP, LLC SERIES 211, a
 19 Nevada limited liability company; RAINBOW
 VILLAS CONDOMINIUM ASSOCIATION,
 20 a Nevada non-profit corporation; and TERRA
 WEST COLLECTIONS GROUP, LLC d/b/a
 21 Assessment Management Services, a Nevada
 limited-liability company,

22 Defendants.
 23

24 Plaintiff U.S. Bank, N.A., As Trustee For The Certificateholders of Banc of America Funding
 25 2008-FT1 Trust, Mortgage Pass-Through Certificates, Series 2008-FT1 (**U.S. Bank**) filed a motion
 26 for summary judgment (ECF No. 80), to which Defendant LV Real Estate Strategic Investment Group
 27 LLC Series 211 (**LVRES**) responded (ECF No. 88), U.S. Bank replied (ECF No. 92), and Rainbow
 28 Villas Condominium Association (**HOA**) filed a joinder (ECF No. 94) to U.S. Bank's reply.

1 The Court has also reviewed Defendant LVRES's motion for summary judgment (ECF No.
2 81), U.S. Bank's response (ECF No. 90), and LVRES's reply (ECF No. 91).

3 The Court takes judicial notice of certain exhibits attached to Plaintiff U.S. Bank's motion for
4 summary judgment (ECF No. 80).

5 The Court heard oral arguments on the motions on February 14, 2020. Darren Brenner
6 appeared for U.S. Bank. Mike Beede appeared for LVRES.

7 Because the loan servicer, Bank of America, tendered payment for the HOA's entire lien in
8 2009, the senior deed of trust was unaffected by the HOA's eventual foreclosure sale, meaning those
9 who took title after the HOA foreclosure sale, including LVRES, took title subject to the deed of trust.

10 Accordingly, Plaintiff U.S. Bank's motion for summary judgment (ECF No. 80) is granted in
11 part to the extent of its request for declaratory relief that the HOA sale did not extinguish the deed of
12 trust, which deed of trust was recorded with the Clark County Recorder as Instrument No. 20060615-
13 0004185. Defendant LVRES's motion for summary judgment is denied. The remaining claims are
14 dismissed as moot.

15 IT IS SO ORDERED.



16 UNITED STATES DISTRICT COURT JUDGE
17 Case No.: 2:17-cv-00355-MMD-BNW

18 Dated: February 24, 2020

19 Submitted by:

20 AKERMAN LLP

21 /s/ Rex D. Garner
22 MELANIE D. MORGAN, ESQ.
23 Nevada Bar No. 8215
24 REX D. GARNER, ESQ.
25 Nevada Bar No. 9401
26 1635 Village Center Circle, Suite 200
27 Las Vegas, Nevada 89134

28 Attorneys for plaintiff U.S. Bank, N.A.,
As Trustee For The Certificateholders of
Banc of America Funding 2008-FT1 Trust,
Mortgage Pass-Through Certificates, Series 2008-FT1